

Application No.: 09/787,919
Examiner: Anthony H. NGUYEN
Art Unit: 2854

REMARKS

Applicants appreciate the courtesy of the Examiner in granting an interview with Applicants' representative on December 5, 2003. In accordance with the discussion at the interview, Applicants have amended claim 1 and present commentary discussing the distinguishing characteristics of the present invention and the deficiencies in the disclosure of the cited prior art in view of presently amended claim 1.

It is respectfully submitted that no new issues requiring further detailed consideration or search have been presented by the proposed amendment of claim 1 and that entry of the claim amendment is appropriate under 37 C.F.R. § 1.116. Entry of the amendment at least for purposes of appeal is respectfully requested in view of the fact that it presents the rejected claims in better form for consideration on appeal.

Claim 1 has been amended to replace the descriptive term "sharp" with "acute and discrete" in reference to the borderline of the intaglio printed image of the present invention. Applicants put forward that the amendment to claim 1 does not alter its scope, but merely improves the clarity of the subject matter for which protection is sought. The amendment to claim 1 was not made to avoid prior art, as it is believed that original claim 1 is fully patentable over the cited prior art. Rather, in reviewing the claim language it was perceived that the term "sharp" could be improved upon to more clearly define the inventive borderline in the intaglio printed image of the present invention.

In reference to the term "acute," this term is defined by the Merriam-Webster 11th Collegiate Dictionary as characterizing something by sharpness or severity. Moreover, by describing the borderline as acute, the claim stresses the first and second ink areas as leading to a perceived point that is generally defined as the

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borderline. Support for defining the borderline as being acute is clearly provided in FIG. 2 of the present application.

The term "discrete" is generally defined by the Merriam-Webster 11th Collegiate Dictionary as constituting a separate entity or describing something as individually distinct. As originally recited in claim 1, the first and second ink areas are defined as being separated from one another. The added description of the borderline as being "discrete" further clarifies the distinction of a borderline between the ink areas in the intaglio printed image of the present invention. Support for the inclusion of the term "discrete" is already found in the claim in view of the description of the ink areas being "separated" from one another. Moreover, the specification on page 2, lines 8-26 describes ink areas that are clearly delimited by one another by a borderline.

During the interview, the Examiner presented to Applicants' representative a copy of U.S. Patent 4,033,059 (Hutton et al.) which is a family member of GB 1 390 302, both references claiming priority from Canadian Patent 146533. The drawings in the disclosure of Hutton et al. are of superior quality over the same drawings shown in GB 1 390 302. Accordingly, Applicants will hereafter refer to the disclosure of Hutton et al. despite the citation of GB 1 390 302 in the outstanding Office Action due to it being a clearer copy than the copy of GB 1 390 302 previously provided to Applicants.

At the interview, Applicants' representative presented how the disclosure of Hutton et al. fails to disclose or suggest a data medium having an intaglio printed image wherein first and second ink areas directly adjacent to one another are separated by an acute and discrete borderline not visible to the naked eye. In the Office Action, FIG. 15 was used as a teaching in the disclosure of GB 1 390 302 of the borderline of the present invention. Applicants assert that the interpretation of FIG. 15 is mere conjecture and that there is nothing in the disclosure of Hutton et al. that would tend to support such a conjecture. As a result, Applicants submit that

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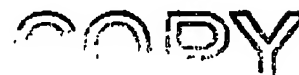
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there is no suggestion in the disclosure of Hutton et al. that would motivate one skilled in the art to provide a data medium with an intaglio printed image wherein directly adjacent ink areas thereof are separated by an acute and discrete borderline not visible to the naked eye.

In the Action, it was explained that FIG. 15 of Hutton et al. shows a data medium including background intaglio lines 53 and image forming intaglio lines 55 wherein a borderline adjacent to such ink areas is not visible to the naked eye. Applicants respectfully traverse this interpretation and submit that FIG. 15 of Hutton et al. shows a clearance that is defined between each adjacent ink areas. It is clear from the disclosure of Hutton et al. that FIG. 15 is merely a schematic view of an embodiment of an intaglio imprint and accordingly FIG. 15 lacks sufficient detail that would tend to convey to one skilled in the art the critical feature of the borderline of the present invention. Moreover, Applicants submit that FIG. 15 is not shown true to scale and insofar of its interpretation, one skilled in the art is required to interpret FIG. 15 in view of the other drawing figures and the written specification.

FIG. 15 is an enlarged schematic sectional view of FIG. 12 which shows an embodiment of an intaglio imprint of the invention of Hutton et al. From viewing FIG. 12, it is clear that there is indeed a clearance between the adjacent ink areas. While in the drawings of Hutton et al. FIG. 12 may be hard to discern at certain portions thereof, it is clear from the description of the embodiment in FIGS. 12-15 that the background lines 53 and image lines 55 are generally parallel relative to one another (col. 16, lines 40-48). Thus, in view of the observations of FIGS. 12 and 15, there is simply no "acute and discrete" borderline defined between each of the adjacent ink areas shown in the drawings.

Applicants submit that there is no disclosure or suggestion in the written description of the disclosure of Hutton et al. that would tend support the notion that there is an acute and discrete borderline between adjacent ink areas. In fact, the disclosure of Hutton et al. affirms throughout its description that the adjacent ink

The logo consists of the letters 'COBY' in a stylized, outlined font. The 'O's are circular with a horizontal line through the middle, and the 'Y' has a long, curved tail.

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areas must always be spaced apart in order to obtain a tilt effect wherein the image lines and the background lines visually blend with one another in one angle of view, and wherein at another angle of view the image lines are clearly visible in contrast to the background lines.

It is explained in the introduction of the disclosure of Hutton et al. that the image and background lines are substantially parallel spaced (col. 8, lines 14-24). While the disclosure of Hutton et al. indicates that it is within the invention to employ types of arrangements wherein image and background lines are other than parallel, it will be pointed out that there is nothing in the description that disaffirms the spacing of the image and background lines by a clearance. Moreover, while it is disclosed that the image and background lines may be other than parallel, the patterns that are described in the invention are either rows or lines of dots which are spaced apart (col. 11, lines 28-40; col. 14, lines 27-46 describing "other" spaced and raised inked patterns).

Accordingly, Applicants submit that there is no teaching or suggestion in the disclosure of Hutton et al. that would motivate one skilled in the art to provide a data medium having an intaglio printed image with first and second ink areas adjacent to one another and separated by an acute and discrete borderline not visible to the naked eye.

During the interview, Applicants representative pointed out to the Examiner that the disclosure of Hutton et al. was published in 1973. At that time, intaglio printing was to be understood as manual engraving or etching. Manual engraving and etching methods result in printed images in which individual engraved depressions form spaced apart color areas. It was understood that if the impressions formed from manual engraving or etching methods are too close together, a blurring of the ink areas will occur in the printed ink areas. Each of such methods known and used at the time the disclosure of Hutton et al. was published, therefore, did not permit the arrangement of adjacent ink areas directly in contact

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with one another. Thus, it is advanced by Applicants that the reason the disclosure of Hutton et al. refers to the image and background lines as being spaced from one another is because it was the only known arrangement to one skilled in the art in 1973.

Contrary to the disclosure of Hutton et al., an inventive aspect of the present application is that neighboring ink areas in the present invention are indeed directly adjacent to one another without ink blending or flowing into one another. More specifically, there is no visible area to the naked eye between adjacent ink areas in the intaglio printed image of the present invention unlike in the printed images produced by the known methods of intaglio printing used at the time the disclosure of Hutton et al. was published.

In view of the amendment to claim 1, and further in view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that claims 1-3 and 20 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicants' Attorney, the Examiner is invited to contact the undersigned at the numbers shown below.

BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314-1176
Phone: (703) 683-0300

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final amendment 121203.wpd

Respectfully submitted,



JUSTIN J. CASSELL
Attorney for Applicants
Registration No. 46,205

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